

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 14-358 (DSD/JJK)

United States of America,

Plaintiff,

v.

**ORDER**

Roxanne Merrell,

Defendant.

This matter is before the court upon the motion for judgment of acquittal by defendant Roxanne Merrell. Merrell made the motion at trial after the government closed its evidence. The court reserved decision on the motion until after the jury returned its verdict. The jury found Merrell guilty of two counts of production of child pornography, and the court now addresses the motion.

Upon a defendant's motion, the court "must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction." Fed. R. Crim. P. 29(a). When considering a motion for judgment of acquittal based on sufficiency of the evidence, the court views the evidence "in the light most favorable to the verdict, giving it the benefit of all reasonable inferences." United States v. Cacioppo, 460 F.3d 1012, 1021 (8th Cir. 2006) (citation and internal quotation marks omitted). The court will grant the motion "only if there is no interpretation of

the evidence that would allow a reasonable jury to find the defendant guilty beyond a reasonable doubt." Id. (citation and internal quotation marks omitted).

In the present case, the government offered evidence that was more than sufficient to sustain a conviction. Therefore, denial is warranted. Accordingly, **IT IS HEREBY ORDERED** that the motion for judgment of acquittal is denied.

Dated: March 12, 2015

s/David S. Doty  
David S. Doty, Judge  
United States District Court